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POLITICAL SUBDIVISIONS INCURRING INDEBTEDNESS

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20, thus providing a means to compel your representatives to obey the constitution of California.

RALPH ARNOLD,
Executive Chairman, All Parties
Reapportionment Committee.

**Argument Against Reapportionment
Commission Initiative Measure**

**Los Angeles Reapportionment Commission
Measure.**

This proposed constitutional amendment would compel the reforming of state senatorial and assembly districts in such a way as to place the great centers of population, comprising but 3 per cent of the state's area, in complete control of the state legislature, thus depriving the great rural sections of the state, comprising 97 per cent of the state's area, of any effective voice in the state law-making body.

It is sponsored by a group from Los Angeles city and placed on the ballot by initiative petition signed almost exclusively by citizens of Los Angeles, there being only a few signatures on the petition from one other county.

The legislature of California has repeatedly refused to place the centers of population in complete control of the state law-making body, even though urged by constitutional provision and the insistent demand of political interests benefiting thereby.

This amendment proposes to set up a commission directed to do the thing which the legislature, the members of which are peculiarly in touch with the issue involved,

have repeatedly refused to do, because of the certain knowledge that to do so would be against the best interest of the state as a whole.

Taking advantage of a provision written into the California constitution in 1879 when the concentration of 60 or 70 per cent of the total population of the state in 3 per cent of its territory was not contemplated as a possibility, those sponsoring this measure are seeking to fasten irrevocably on California a condition permitting a part of the population to control the entire state, which is an intolerable situation.

The proposed amendment is against established practice in American representative government and seeks to establish in California a situation without precedent in any American commonwealth, a situation whereby a large part of the commonwealth would be heavily taxed to maintain the state government and yet would be denied any effective voice in that government.

Twenty-nine states in the United States have definitely provided against the possibility of the virtual disfranchisement of any portion of their area by setting up a balanced legislature which neither city nor country can control, and California citizens should not adopt a provision such as this proposed amendment which is so manifestly against the public welfare, against the established and satisfactory practice in the federal government and in other states, and against all American tradition.

Vote NO on this amendment.

C. C. TEAGUE.

POLITICAL SUBDIVISIONS INCURRING INDEBTEDNESS. Assembly Constitutional Amendment 36. Amends Section 18 of Article XI of Constitution. Declares that whenever two or more propositions for incurring any indebtedness or liability are submitted at the same election to the electors of any county, city, town, township, or school district, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

YES

NO

(For full text of Measure, see page 27, Part II.)

Argument in Favor of Assembly Constitutional Amendment No. 36.

Assembly Constitutional Amendment No. 36.—This is an amendment to section 18, article XI, of the constitution, and the new matter proposed to be incorporated therein consists of some sixty words, as follows:

"Provided, however, anything, to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor

thereof, such proposition shall be deemed adopted."

The inclusion of these words in the constitution will mean that thereafter political subdivisions desiring to submit bonding or taxing propositions to the electors may include two or more such propositions which may be voted upon at the same time and at the same election, and the votes may be counted and tallied separately. The voters at one election may, therefore, approve all of the propositions submitted, or may reject all of them, or may approve or disapprove of any one or more of the separate propositions. As the constitution now is, a separate election must be held for each proposition, with separate ballot boxes and tally sheets for each

proposal, or all the propositions must be voted on as a whole and adopted or rejected as such, although the voters might really be in favor of some and against others.

The amendment should be adopted for it tends to convenience, simplicity and economy in such elections, permits the voter full choice in expressing his opinion, and does not in any way lessen the safeguards already existing pertaining to the incurring of public indebtedness.

CHARLES H. DEUEL,
Assemblyman, Seventh District.

Argument in Favor of Assembly Constitutional Amendment No. 36.

As the constitution now exists, when two or more bond propositions are submitted at the same election, the total of all votes cast is taken as the basis upon which the necessary two-thirds majority is computed. A voter may vote on only one proposition, but his ballot is nevertheless counted as a part of the total votes cast on all propositions. For example, a ballot contains two bond propositions; three thousand persons vote and of these only five hundred vote at all on proposition No. 1, and the whole five hundred vote "Yes." Thus proposition No. 1 has received the unanimous vote of all voters interested therein and yet it is defeated because it has not received the assent of the two thousand five hundred persons who did not even vote on the proposition. If the same principle were to be carried over into all determinations, it would require a majority of all qualified electors instead of a majority vote of those voting. Such a principle is unworkable and tends to defeat the will of the people.

The proposed amendment requires the votes on each bond proposition to be counted separately and the two-thirds majority to be based upon the votes cast as to such proposition. Each bond issue stands alone. The voter who feels that he lacks the necessary information to vote intelligently on any one issue may, under the proposed amendment, decline to vote thereon without thereby, for all practical purposes, casting a negative vote on the proposition. In other words, as the constitution now stands, a voter has no choice. He is forced to vote on all propositions whether he feels competent to do so or not. If he fails to mark the ballot as to any one proposition, then he has unwittingly cast his vote against it and it will take two affirmative votes to overcome the blank ballot.

So impossible has the present situation become that municipal corporations hesitate to place more than one bond proposition on a ballot. The result is that a separate election is called on each bond issue at an enormous and useless expense. In a city of one hundred thousand population an election costs approximately \$5,000. If all bond issues can safely be submitted at one election, the saving to the public treasury becomes apparent.

The proposed amendment, furthermore, takes away no rights from the elector. Each person will still have the privilege of voting exactly as he pleases. Further, the proposed amendment gives to the elector the right to withhold his vote from any proposition without thereby casting a negative vote against it.

The amendment tends to make the results of an election clear and plain. It will save taxpayers many thousands of dollars in election expenses. It takes no rights or privileges from the voter but, on the contrary, adds the right to withhold his vote without thereby jeopardizing what may be a beneficial bond issue.

HARRY F. SEWELL,
Assemblyman, Sixty-eighth District.

Argument Against Assembly Constitutional Amendment No. 36.

Assembly Constitutional Amendment No. 36 proposes after the semicolon following the word "same," to add the following words: "Provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted." This provision is already provided for in the constitution and has been in use for many years. In the legislature I voted against its adoption because it was not needed, was uncalled for, was so much dead timber and its passage was extravagant and a waste of money to the extent of several thousand dollars to put it on the ballot all over the state.

It is not in harmony with economy which should be practiced in all governmental matters, therefore it should be defeated.
Vote NO.

S. L. HEISINGER,
Assemblyman, Fifty-second District.

PART II

Appendix

REAPPORTIONMENT COMMISSION. Initiative measure adding Section 61 to Article IV of Constitution. Creates reapportionment commission composed of Secretary of State, Attorney General and Surveyor General. If Legislature fails, at first session after each 20 census, to adjust senatorial and assembly districts and reapportion representation as provided by Constitution, requires said commission to make such adjustment and reapportionment, and file same with Secretary of State, within three months after adjournment of such legislative session. Declares said commission shall make and file such reapportionment on basis of 1920 census within three months after this amendment takes effect.

YES

NO

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election.

PROPOSED AMENDMENT.

Sec. 61. The secretary of state, attorney general and surveyor general are hereby constituted the reapportionment commission, and if the legislature shall fail, at its first session after each census, to adjust the senatorial and assembly districts and reapportion the representation as provided in section 6 of this article, then immediately after the adjournment of the legis-

lature at such session, said officers shall meet as a commission and proceed to adjust such districts and reapportion the representation in the manner provided for the legislature. The commission shall, within three months after the adjournment of the legislature, prepare, sign and file with the secretary of state, a report defining and designating the senatorial and assembly districts as so reapportioned, and thereupon such districts shall be so established, with the same effect as if done by the legislature. Within three months after this amendment takes effect, the commission shall make and file its reapportionment in the manner herein provided on the basis of the census of 1920. The commission may be compelled by mandate of the supreme court to perform the duties hereby imposed.

POLITICAL SUBDIVISIONS INCURRING INDEBTEDNESS. Assembly Constitutional Amendment 36. Amends Section 18 of Article XI of Constitution. Declares that whenever two or more propositions for incurring any indebtedness or liability are submitted at the same 21 election to the electors of any county, city, town, township, or school district, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

YES

NO

Assembly Constitutional Amendment No. 36—
A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section eighteen of article eleven thereof, relating to cities, counties and towns.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to the people of the State of California that section eighteen of article eleven of the constitution of this state be amended to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Sec. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute

a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted; provided further, however, that the city and county of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; and provided, further, that the city of Vallejo, of Solano county, may pay its existing indebtedness, incurred in the construction of its waterworks, whenever two-thirds of the electors thereof, voting at an election held for that purpose, shall so decide, and that no statute of limitations shall apply in any manner; provided, further, that the city of Venice may pay all of its indebtedness incurred during

the years nineteen hundred fourteen, nineteen hundred fifteen and nineteen hundred sixteen in excess of the income and revenue for said years, the amount to be paid in full of said indebtedness not to exceed in the aggregate the sum of sixty thousand dollars, whenever two-thirds of the voters thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. The city and county of San Francisco, the city of San Jose, and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred by it, to commence at a time after the incurring of such indebtedness of no more than a period of one-fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void; and provided, further, that the county of Alameda may, upon the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, incur a bonded indebtedness of not to exceed one million dollars, and the legislative authority of said county of Alameda shall issue bonds therefor and grant and turn over to the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California, March 22, 1910, the proceeds of said bonds for stock in said company or under such other terms and conditions as said legislative authority may determine, the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue as the legislative authority of said county of Alameda shall determine; the interest on said bonds not to exceed five per centum per annum, and said bonds to be exempt from all taxes for state, county and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately upon such terms or conditions as said legislative body may determine, to the treasurer of said Panama-Pacific International Exposition Company, upon demands of said treasurer of said exposition company, without the necessity of the approval of such demands by other authority, than said legislative authority of Alameda county, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of said exposition company; and the legislative authority of said county of Alameda is hereby empowered and directed to levy a special tax on all taxable property in said county each year after the issue of said bonds to raise an amount to pay the interest on said bonds as the same become due, and to create a sinking fund to pay the principal thereof when the same shall become due.

EXISTING PROVISIONS.

Sec. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal

thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, that the city and county of San Francisco may at any time pay the unpaid claims with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; and provided, further, that the city of Vallejo, of Solano county, may pay its existing indebtedness, incurred in the construction of its waterworks, whenever two-thirds of the electors thereof, voting at an election held for that purpose, shall so decide, and that no statute of limitations shall apply in any manner; provided, further, that the city of Venice may pay all of its indebtedness incurred during the years nineteen hundred fourteen, nineteen hundred fifteen and nineteen hundred sixteen in excess of the income and revenue for said years, the amount to be paid in full of said indebtedness not to exceed in the aggregate the sum of sixty thousand dollars, whenever two-thirds of the voters thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. The city and county of San Francisco, the city of San Jose, and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred by it, to commence at a time after the incurring of such indebtedness of no more than a period of one-fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void; and provided, further, that the county of Alameda may, upon the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, incur a bonded indebtedness of not to exceed one million dollars, and the legislative authority of said county of Alameda shall issue bonds therefor and grant and turn over to the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California, March 22, 1910, the proceeds of said bonds for stock in said company or under such other terms and conditions as said legislative authority may determine, the same to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue as the legislative authority of said county of Alameda shall determine; the interest on said bonds not to exceed five per centum per annum, and said bonds to be exempt from all taxes for state, county and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately upon such terms or conditions as said legislative body may determine, to the treasurer of said Panama-Pacific International Exposition Company, upon demands of said treasurer of said exposition company, without the necessity of the approval of such demands by other authority, than said legislative authority of Alameda county, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of said exposition company; and

the legislative authority of said county of Alameda is hereby empowered and directed to levy a special tax on all taxable property in said county each year after the issue of said bonds

to raise an amount to pay the interest on said bonds as the same become due, and to create a sinking fund to pay the principal thereof when the same shall become due.

EXEMPTING FOREST TREES FROM TAXATION. Senate Constitutional Amendment 10. Amends Section 123 of Article XIII of Constitution. Exempts from taxation immature forest trees planted on lands not previously bearing merchantable timber, or planted or of natural growth, upon lands from which seventy per cent of merchantable original growth timber over sixteen inches in diameter has been removed; declares maturity of forest trees or timber shall be determined, after forty years from planting or removal of original timber, by a board comprising assessor of county wherein same are located and representatives from state boards of forestry and equalization.

YES

NO

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section twelve and three-fourths, article thirteen thereof, relative to exemption from taxation of certain trees and vines.

Resolved by the senate, the assembly concurring, That the legislature of the State of California at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two-thirds of all the members elected to each of the two houses of said legislature, voting in favor thereof, hereby proposes to the people of the State of California that section twelve and three-fourths of article thirteen of the constitution of this state be amended to read as follows:

PROPOSED AMENDMENT.

(Proposed changes in provisions are printed in black-faced type.)

Sec. 123. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grape vines under the age of three years from the time of planting in vineyard form, and all immature forest trees

which have been planted on lands not previously bearing merchantable timber, or planted or of natural growth, upon lands from which the merchantable original growth timber stand to the extent of seventy per cent of all trees over sixteen inches in diameter has been removed, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevine and forest trees to taxation; provided, that forest trees or timber shall be considered mature for the purpose of this act at such time, after forty years from the time of planting or removal of the original timber as above provided, as a board consisting of a representative from the state board of forestry, a representative from the state board of equalization and the county assessor of the county in which the timber is located, shall by a majority thereof so determine.

EXISTING PROVISIONS.

Sec. 123. Fruit and nut bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation.

ELECTION AT PRIMARY. Senate Constitutional Amendment 20. Adds Section 23 to Article II of Constitution. Declares candidate for judicial, school, county, township, or other non-partisan office, receiving at primary election votes on majority of all ballots cast for such office shall be elected thereto; where two or more candidates are to be elected to an office and more candidates receive a majority than are to be elected, those securing highest votes of those receiving such majority, and equaling number to be elected, shall be elected; declares freeholder's charter governs whenever it provides different method of election.

YES

NO

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding section two and three-fourths to article two of said constitution, relating to election to non-partisan office at a primary election.

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its forty-sixth regular session, commencing on the fifth day of January, one thousand nine hundred twenty-five, two thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that a new section be added to article two of the constitution of this state to be numbered sec-

tion two and three-fourths, and to read as follows:

PROPOSED AMENDMENT.

Sec. 23. Any candidate for a judicial, school, county, township, or other nonpartisan office who at a primary election shall receive votes on a majority of all the ballots cast for candidates for the office for which such candidate seeks nomination, shall be elected to such office. Where two or more candidates are to be elected to a given office and a greater number of candidates receive a majority than the number to be elected, those candidates shall be elected who secure the highest votes of those receiving such majority, and equal in number to the number to be elected. Where a different method of election is provided by a freeholders' charter, the charter provision shall govern.